

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS



LEAD-BASED PAINT ACTIVITIES REGULATIONS

Last Updated December 1, 2006

STATUTES
Title 54.1, Chapter 5



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STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Virginia Lead-Based Paint Activities licenses. The law that governs your profession is found in the Code of Virginia, 1950, as amended, in Title 54.1, Chapter 5. The law permits the Board for Asbestos, Lead, and Home Inspectors to promulgate regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to get and keep your license. BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in the booklet, please write to:

**Virginia Board for Asbestos, Lead, and Home Inspectors
Department of Professional and Occupational Regulation
Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, VA 23233**

or contact the Agency by telephone at (804) 367-8595 or by e-mail at alhi@dpor.virginia.gov

Copies of the law and regulations mentioned above, as well as copies of the application forms needed to apply for a license, may be found on the Department's web site at www.dpor.virginia.gov

NOTICE SUMMARY OF SIGNIFICANT CHANGES

These regulations are effective on December 1, 2006, and replace all previous regulations of the Virginia Board for Asbestos, Lead, and Home Inspectors. As a regulant of the Board, you are responsible for following all regulations and *therefore you should read and become familiar with all regulations printed in this booklet.* These regulations have been revised and should be thoroughly reviewed. Following is a brief summary of some of the major changes to the regulations to assist you in your review:

- The Board may deny license and approval as well as take disciplinary action against those "acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business."
- Training programs are required to submit certain data electronically.
- The regulation has been reorganized to present the regulatory requirements in a format which is easier to understand.

Chapter 30
Virginia Lead-Based Paint Activities Regulations
Part I
Scope

18VAC15-30-10. Scope.

This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs and providers, procedures and requirements for the licensure of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities, and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18VAC15-30-20, except persons who perform these activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child residing in the building has been identified as having an elevated blood-lead level.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part II
Definitions and General Requirements

18VAC15-30-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Abatement" or "abatement project" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

1. "Abatement" includes, but is not limited to:

- a. The removal of paint, and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
- b. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

2. Specifically, "abatement" includes, but is not limited to:

a. Lead-based paint activities for which there is a written contract or other documentation that provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(1) Shall result in the permanent elimination of lead-based paint hazards; or

(2) Are designed to permanently eliminate lead-based paint hazards and are described in subdivision 1 of this definition;

b. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals licensed in accordance with this chapter, unless such projects are covered by subdivision 3 of this definition;

c. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, unless such projects are covered by subdivision 3 of this definition; or

d. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.

3. Abatement does not include renovation, remodeling, landscaping or other activities when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce

lead-based paint hazards. Furthermore, federally assisted housing and community development programs conducted in compliance with the U.S. Department of Housing and Urban Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the requirements of this chapter.

"Accredited lead training program" means a training program that has been approved by the board to provide training for individuals engaged in lead-based paint activities.

"Accredited lead training provider" means a firm, individual, state or local government, or nonprofit training program that has met the requirements of this chapter and has been approved by the board to offer an accredited lead training program.

"Applicant" means any person defined in this chapter who has applied for but has not been granted an interim license, a license or approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor by the board.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, six years of age or under, on at least two different days, within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visit lasts six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

"Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity as identified by EPA, pursuant to 15 USC §2683.

"Common area" means a portion of a building generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.

"Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling or child-occupied facility which are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other

heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills, stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops and air conditioners, and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, facias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells, stools and troughs.

"Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

"Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course test blue print" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

"Department" means the Department of Professional and Occupational Regulation or any successor agency.

"Deteriorated paint" means paint that is cracking, flaking, chipping, peeling or otherwise separating from the substrate building component.

"Discipline" means one of the specific types or categories of lead-based paint activities established in this chapter for which individuals must receive training from accredited lead training providers, as defined in this chapter, and become licensed by the board. For example, "lead abatement worker" is a discipline.

"Distinct painting history" means application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

"Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 µg/dl in two consecutive tests taken three to four months apart.

"Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

"Encapsulation" means the application of an encapsulant.

"Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.

"EPA" means the United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or a combination thereof, paid or provided by a business that exceeds or may reasonably be expected to exceed \$1,000 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000 in value.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"Guest instructor" means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

"Hands-on skills assessment" means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures identified in this chapter, as well as any other skills taught in a training course.

"Hazardous waste" means any waste as defined in 40 CFR 261.3.

"HUD" means the United States Department of Housing and Urban Development.

"Individual" means a single human being, not a firm or other group or organization.

"Initial course" means the course of instruction established by this chapter to prepare an individual for licensure in a single discipline.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

"Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

"Interim license" means the status of an individual who has successfully completed the appropriate training program in a discipline from an accredited lead training provider, as defined by this chapter, and has applied to the board, but has not yet received a formal license in that discipline from the board. Each interim license expires six months after the completion of the training program, and is equivalent to a license for the six-month period.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activities" means risk assessment, inspection, project design and abatement as defined in this chapter that affects or relates to target housing and child-occupied facilities.

"Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint

that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by EPA, pursuant to 15 USC §2683.

"Lead-hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as defined in this chapter.

"Licensed lead abatement contractor" or "lead contractor" means a firm that has met the requirements of this chapter, and has been issued a license by the board to perform lead abatements.

"Licensed lead abatement supervisor" or "lead supervisor" means an individual who has met the requirements of this chapter, and has been licensed by the board to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Licensed lead abatement worker" or "lead worker" means an individual who has met the requirements of this chapter and has been licensed by the board to perform abatements under the supervision of a licensed lead supervisor.

"Licensed lead inspector" or "lead inspector" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections. A licensed inspector may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensed lead project designer" or "lead project designer" means an individual who has met the requirements of this chapter, and has been licensed by the board to prepare abatement project designs, occupant protection plans, and abatement reports.

"Licensed lead risk assessor" or "lead risk assessor" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections and risk assessments. A licensed risk assessor may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensee" means any person, as defined by §54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead abatement contractor under this chapter.

"Living area" means any area of a residential dwelling used by one or more children age six and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"Multi-family dwelling" means target housing that contains more than one separate residential dwelling unit, in which one or more units is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"OSHA" means the United States Department of Labor, Occupational Safety and Health Administration.

"Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on the interior or exterior components with small surface area (e.g., window sills, baseboards, soffits, trim).

"Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable material, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

"Person" means any natural or judicial person including any individual, corporation, partnership, or association; any Indian tribe, state or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the federal government.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.

"Project design" means any descriptive form written as instructions or drafted as a plan describing the construction or set-up of a lead abatement project area and work practices to be utilized during the lead abatement project.

"Recognized laboratory" means any environmental laboratory recognized by the EPA as being capable of performing an analysis for lead compounds in paint, soil, and dust.

"Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

"Refresher course" or "refresher training program" means the course of accredited instruction established by this chapter which must be periodically completed as set out in this chapter to maintain an individual's license in a single discipline.

"Residential dwelling" means (i) target housing that is a detached single-family dwelling, including attached structures such as porches and stoops or (ii) target housing that is a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

"Risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards, and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.

"Target housing" means any housing constructed prior to 1978, except for housing for the elderly, or persons with disabilities (unless any one or more children age six years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

"Training curriculum" means an established set of course topics for instruction in an accredited lead training program for a particular discipline designed to provide specialized knowledge and skills.

"Training hour" means at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.

"TSCA" means the federal Toxic Substances Control Act, 15 USC §2601 et seq.

"Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether the abatement has been successfully completed.

"Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-30 to 18VAC15-30-40. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-41. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part III
Entry

18VAC15-30-50. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-51. Application procedures.

All applicants seeking licensure, interim licensure or accredited lead training program approval shall submit an application with the appropriate fee specified in 18VAC15-30-162. Application shall be made on forms provided by the department.

By signing the application or submitting it electronically to the department, the applicant certifies that he has read and understands the board's statutes and regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied.

Applicants will be notified if their application is incomplete. Applicants who fail to complete the process within 12 months after the date the department receives the application shall submit a new application and fee.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-52. Qualifications for licensure—individuals.

A. General. Applicants shall meet all applicable entry requirements at the time application is made.

B. Name. The applicant shall disclose his full legal name.

C. Age. The applicant shall be at least 18 years old.

D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

E. Specific entry requirements.

1. Worker. Each applicant for lead abatement worker licensure shall provide evidence of successful completion of a board-approved initial lead abatement worker course.

2. Project designer. Each applicant for lead project designer licensure shall provide evidence of successful completion of a board-approved initial lead project designer course and successful completion of a board-approved initial lead abatement supervisor course and one of the following:

a. A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or

b. Four years of experience in building construction and design or a related field.

3. Supervisor.

a. Each applicant for lead abatement supervisor licensure shall provide evidence of:

(1) Successful completion of a board-approved initial lead abatement supervisor course; and

(2) One year experience as a licensed lead abatement worker or two years experience in a related field (e.g., lead, asbestos or environmental remediation) or in the building trades.

b. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead supervisor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

c. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

4. Inspector.

a. Each applicant for lead inspector licensure shall provide evidence of successful completion of a board-approved initial lead inspector course.

b. Each applicant shall pass a board-approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

5. Risk assessor.

a. Each applicant for lead risk assessor licensure shall provide evidence of successful completion of a board-approved initial lead risk assessor training course and successful completion of a board-approved initial lead inspector training course that was at least three days in length and one of the following:

(1) Certification or licensure as an industrial hygienist, a professional engineer, a registered architect or licensure in a related engineering/health/environmental field;

(2) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);

(3) An associate's degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(4) A high school diploma or its equivalent, and at least three years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

b. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

F. Training verification. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

G. Education verification. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

H. Experience verification. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

I. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor.
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
4. Any current or previously held environmental remediation certifications, accreditations or licenses issued by Virginia or any other jurisdiction.

Subject to the provisions of §54.1-204 of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a

final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

J. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

K. Standing. The applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary action by any jurisdiction.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-53. Qualifications for licensure—business entities.

A. General. Every business entity shall secure a license before transacting business.

B. Name. The business name shall be disclosed on the application. The name under which the entity conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Business entities shall register their trade or fictitious names with the State Corporation Commission or the clerk of court in the county or jurisdiction where the business is to be conducted in accordance with §§59.1-69 through 59.1-76 of the Code of Virginia before submitting their application to the board.

C. Address. The applicant shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. Form of organization. Applicants shall meet the additional requirements listed below for their business type:

1. Corporations. All applicants shall have been incorporated in the Commonwealth of Virginia or, if a foreign corporation, shall have obtained a certificate of authority to conduct business in Virginia from the State Corporation Commission in accordance with §13.1-544.2 of the Code of

Virginia. The corporation shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

2. Limited liability companies. All applicants shall have obtained a certificate of organization in the Commonwealth of Virginia or, if a foreign limited liability company, shall have obtained a certificate of registration to do business in Virginia from the State Corporation Commission in accordance with §13.1-1105 of the Code of Virginia. The company shall be in good standing with the State Corporation Commission at the time of application to the board and at all times when the license is in effect.

3. Partnerships. All applicants shall have a written partnership agreement. The partnership agreement shall state that all professional services of the partnership shall be under the direction and control of a licensed or certified professional.

4. Sole proprietorships. Sole proprietorships desiring to use an assumed or fictitious name, that is a name other than the individual's full name, shall have their assumed or fictitious name recorded by the clerk of the court of the county or jurisdiction wherein the business is to be conducted.

E. Qualifications.

1. Lead contractor. Each applicant for lead contractor licensure shall:

a. Hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors and comply with the provisions of Chapter 11 (§54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

b. Certify that:

(1) Only properly licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities;

(2) A licensed lead abatement supervisor is present at each job site during all work site preparation and during post-abatement cleanup, and shall be on site or available by telephone, pager or answering service and able to be present at the work site in no more than two hours when abatement activities are being conducted;

(3) The standards for conducting lead-based paint activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; and

(4) The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.

F. Conviction or guilt. Neither the firm nor the owners, officers or directors shall have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline. The board, at its discretion, may deny licensure to any applicant in accordance with §54.1-204 of the Code of Virginia.

G. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) and Part IX (18VAC15-30-760 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

H. Standing. Both the firm and the owners, officers and directors shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure to any applicant based on disciplinary action by any jurisdiction.

I. Denial of license. The board may refuse to issue a license to any lead contractor applicant if the applicant or its owners, officers or directors have a financial interest in a lead contractor whose lead license has been revoked, suspended or denied renewal in any jurisdiction.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-54. Qualifications for accredited lead training program approval.

A. For a training program to obtain accreditation from the board to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for principal instructor qualifications, required topic review, length of training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses that teach the standards for conducting lead-based paint activities contained in this chapter and other such standards adopted by the EPA.

B. Each applicant for approval as an accredited lead training provider shall meet the requirements established by this chapter before being granted approval to offer an accredited lead training program. Applicants requesting approval of a lead training program to prepare participants for licensure shall apply on a form provided by the board. The application form shall be completed in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.
2. A statement signed by the training program manager, which certifies that the training program meets the minimum requirements established in this chapter.
3. The names and qualifications, including education and experience, of each principal instructor.
4. A copy of the student manuals and instructor manuals or other materials to be used.
5. A copy of the course agenda that includes the time allocation for each course topic.
6. A copy of the test and answer sheet.
7. A description of the facilities and equipment to be used for lecture and hands-on training.
8. A description of the activities and procedures that will be used for conducting the assessment of hands-on skills.

9. A copy of the quality control plan as described in this chapter.
 10. An example of a certificate that will be issued to students who successfully complete the course.
 11. A proposed course date for auditing purposes.
 12. The application fee required by 18VAC15-30-162.
- C. The completed application form with attachments and fee shall be received by the board no later than 45 days before the desired audit date.
- D. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.
- E. Applicants may seek accreditation to offer lead-based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.
- F. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.
- G. Upon receipt of an application, the board shall conduct a preliminary review and shall notify the applicant in writing of any deficiencies in the submittal packages. Applicants will have one year from the board's receipt of the application to correct any problems noted in the review.
- H. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The board shall conduct an additional on-site audit, grant approval or deny approval based on the board's evaluation of the level of compliance with this chapter found during the initial on-site audit.
- I. Applicants denied approval shall have one year from the date of receipt of the application by the board to correct any deficiencies and notify the board in writing.
- J. An accredited training provider shall have been approved by the board before its training certificates shall be accepted by the board as evidence that an individual has completed an accredited lead training program.

K. Each accredited lead training program that is granted approval shall be sent a form indicating the discipline approved and an expiration date that shall be maintained at the business address listed on the application.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-60 to 18VAC15-30-90. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-100 to 18VAC15-30-160. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

**Part IV
Fees**

18VAC15-30-161. General fee requirements.

A. All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

B. Fees for approval and renewal of an accredited lead training program and an accredited lead refresher training program shall not be imposed on any state, local government, or nonprofit training program.

C. The examination fee shall consist of the administration expenses of the board ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia). The examination shall not exceed a cost of \$75 to the candidate.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-162. Application fees.

Application fees are as follows:

Fee Type	Fee Amount	When Due
Application for worker, supervisor, inspector, risk assessor or project designer license	\$25	With application
Application for a lead contractor license	\$40	With application
Application for accredited lead training program approval	\$400 per day of training	With application
Application for accredited lead refresher training program		

approval except for project designer refresher	\$400	With application
Application for accredited lead project designer refresher training program approval	\$200	With application

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-163. Renewal and late renewal fees.

Renewal and late renewal fees are as follows:

Fee Type	Fee Amount	When Due
Renewal for worker, supervisor, inspector, risk assessor or project designer license	\$25	With renewal application
Renewal for lead contractor's license	\$40	With renewal application
Renewal for accredited asbestos training program approval	\$100	With renewal application
Late renewal for worker, supervisor, inspector, risk assessor or project designer license (includes a \$25 late renewal fee in addition to the regular \$25 renewal fee)	\$50	With renewal application
Late renewal for lead contractor's license (includes a \$25 late renewal fee in addition to the regular \$40 renewal fee)	\$65	With renewal application
Late renewal for accredited lead training program		

approval (includes a \$25 late renewal fee in addition to the regular \$100 renewal fee)	\$125	With renewal application
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Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

Part V
Renewal

18VAC15-30-164. Renewal required.

A. Interim licenses shall expire six months from the last day of the month during which the individual completed the board-approved initial or refresher accredited lead training program required by 18VAC15-30-52 regardless of the date on which the board received the application for initial licensure or the date the board issued the license.

B. Interim licenses shall not be renewed or extended.

C. Individual licenses shall expire 12 months from the last day of the month wherein the individual completed the initial training program or refresher training program required by 18VAC15-30-52 regardless of the date on which the board received the application for individual licensure or the date the board issued the license. In no case shall an individual license expire later than the last day of the month which is 36 months after the date the individual completed the initial training program or most recent refresher training program.

D. Contractor licenses shall expire 12 months from the last day of the month wherein issued.

E. Accredited lead training programs approval shall expire 24 months from the last day of the month in which the board granted approval.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-165. Procedures for renewal.

A. The board shall mail a renewal notice to the licensee or accredited lead training provider at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or accredited lead training provider of the obligation to renew.

B. Prior to the expiration date shown on the license or approval, each licensee or accredited lead training provider desiring to renew the license or approval shall return to the board the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the

requirements in 18VAC15-30-166 C for accredited lead training programs shall be sent to the board.

C. Should the licensee or accredited lead training provider fail to receive the renewal notice, a photocopy of the current lead license or accredited lead training program approval may be substituted for the renewal notice and mailed with the required fee to the board.

D. Interim licensure shall not be renewed or extended. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-166. Qualifications for renewal.

A. Individuals.

1. Licensees desiring to maintain an individual license shall satisfactorily complete the refresher training program established by this chapter and assure that the board receives documentation of satisfactory completion no later than the last day of the month that is 36 months after the date of completion of the initial training program or refresher training program and not less often than once each 36 months thereafter. In the case of a proficiency-based course completion, refresher training is required every 60 months instead of 36 months.

2. The board shall renew an individual license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18VAC15-30-163 and 18VAC15-30-165, provided that the licensee has complied with subdivision 1 of this subsection. In no case shall an individual license expire later than the last day of the month that is 36 months, or in the case of proficiency-based course 60 months, after the initial training program or most recent refresher training program was completed.

B. Contractors. The board shall renew a contractor license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18VAC15-30-163 and 18VAC15-30-165. Return of the renewal application and renewal fee to the board shall constitute a certification that the licensee is in full compliance with the board's regulations.

C. Accredited training programs.

1. Accredited lead training providers desiring to maintain approval of their accredited lead training program shall cause the board to receive the following no later than 48 months after the date of initial approval and not less often than once each 48 months thereafter:

a. The training provider's name, address, and telephone number.

b. A statement signed by the training program manager that certifies that:

(1) The course materials for each course meet the requirements of Part VII (18VAC15-30-440 et seq.) of this chapter.

(2) The training manager and principal instructors meet the qualifications listed in 18VAC15-30-340.

(3) The training program manager complies at all times with all requirements of this chapter.

(4) The quality control program meets the requirements noted in 18VAC15-30-410.

(5) The recordkeeping requirements of this chapter will be followed.

2. Return of the renewal application and renewal fee to the board shall constitute a certification that the accredited lead training provider is in full compliance with the board's regulations.

3. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.

4. Accredited lead training programs determined by the board to have met the renewal requirements shall be issued an approval for an additional 24 months.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-167. Late renewal.

A. If the renewal fee is not received by the board within 30 days after the expiration date printed on the license or accredited lead training program approval, a late renewal fee shall be required in addition to the renewal fee.

B. Any licensee or accredited lead training provider who fails to renew his license or accredited lead training program approval within six months after the expiration date on the license or approval shall not be permitted to renew and shall apply as a new applicant.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-170 to 18VAC15-30-180. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-190 to 18VAC15-30-200. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-205. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-210 to 18VAC15-30-220. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-225. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-230 to 18VAC15-30-240. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-245 to 18VAC15-30-300. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; derived from or amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-310 to 18VAC15-30-320. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VI
Standards of Practice and Conduct for Accredited Lead Training Programs

18VAC15-30-330. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; repealed, Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-332. Changes to an approved course.

Once a training course has been approved, substantial changes in any of the approved items must be submitted to the board for review and approval prior to the continuation of the training course. These items include, but are not limited to:

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor or instructors.
5. Certificate of completion.

The board shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-334. Change of ownership.

When an accredited lead training provider offering an accredited lead training program has a change of ownership, the new owner shall apply anew.

Historical Notes:

Derived from Virginia Register Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-340. Qualifications of training managers and principal instructors.

A. The training program shall employ a training manager who:

1. Has at least two years experience, education, or training in teaching workers or adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field; or has two years experience in managing a training program that specialized in environmental hazards; and

2. Has demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

B. The training program shall employ a qualified principal instructor, designated by the training manager, for each course who:

1. Demonstrates experience, education or training in teaching workers or adults;

2. Successfully completed a minimum of 16 hours of any EPA-accredited or board-approved lead-specific training; and

3. Demonstrated experience, education or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

C. Documentation of all principal instructor qualifications shall be reviewed and approved by the board prior to the principal instructor teaching in an accredited lead training program.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-350. Responsibilities of the training manager.

A. The training program shall employ a training manager who shall be responsible for ensuring that the training program complies at all times with the requirements of this chapter and who is responsible for maintaining:

1. The validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics.

2. The validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

B. The training manager shall, for each course offered, designate a principal instructor. Principal instructors are responsible for the organization of the course and oversight of the teaching of all course material.

C. Guest instructors may be designated by the training manager as needed to provide instruction specific to the lecture, hand-on activities, or work practice components of a course.

D. Any training manager who intends to also serve as a principal instructor shall meet the requirements of subsection B of 18VAC15-30-340 and provide documentation to the board prior to instructing.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-360. Training manager and principal instructor documentation.

The following documents shall be recognized by the board as proof that training managers and principal instructors meet the relevant educational, work experience, and training requirements specifically listed in 18VAC15-30-340:

1. Official academic transcripts or diplomas as proof of meeting the educational requirements.

2. Resumes, letters of reference, or documentation of work experience as proof of meeting the work experience requirements.

3. Certificates from lead-specific training courses as proof of meeting the training requirements.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-370. Training facilities.

The training program shall provide adequate facilities for the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-380. Length of training courses.

A. The length of training courses are as follows:

1. The training course for lead inspector shall last a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training activities.

2. The training course for lead risk assessor shall last a minimum of 16 training hours with a minimum of four hours devoted to hands-on training activities. As a prerequisite, the 24 training hours provided for in subdivision 1 of this subsection for lead inspector shall be required.

3. The training course for lead project designer shall last a minimum of eight training hours. As a prerequisite, the 32 training hours provided for in subdivision 4 of this subsection for lead abatement supervisor shall be required.

4. The training course for lead abatement supervisor shall last a minimum of 32 training hours, with a minimum of eight hours devoted to hands-on activities.

5. The training course for lead abatement worker shall last a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on activities.

6. All lead refresher courses shall last a minimum of eight training hours, except the project designer refresher course which shall last a minimum of four training hours.

B. In no case shall actual training exceed eight hours during any single 24-hour period, exceed four hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) except training that is conducted during the student's normal second or third shift working hours, or exceed 16 hours during any weekend (Friday after 5 p.m. to Monday 8 a.m.).

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-390. Course examination.

A. For each course, the accredited lead training program shall conduct a monitored, written course test at the completion of the course and a hands-on skills assessment, or as an alternative, a proficiency test. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test. Refresher training programs are not required to conduct a hands-on skills assessment.

B. The course test is an evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course. An oral course test may be administered in lieu of a written course test for lead abatement worker only.

C. Seventy percent shall be the passing score on the course test.

D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures specified in Part VIII (18VAC15-30-440 et seq.) of this chapter, as well as any other skills demonstrated in the course.

E. The use of a proficiency test in lieu of a hands-on assessment and course test may be considered by the training provider. An accredited lead training program that offers a proficiency test shall assure that the test consists primarily of an evaluation of the effectiveness and reliability of a student's ability to conduct a particular lead-based paint activity. The proficiency test must also cover all of the topics and skills addressed in a particular course. For instance, a proficiency-

based course in inspection could involve a mix of lecture material with students conducting a mock inspection in a residential dwelling with known lead-based paint concentrations. The student would be evaluated on the accuracy of the results of their inspection. For a training program to make use of a proficiency-based course, that course must be approved by the board in the same manner as approval for any other course, including fees.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-400. Certificates of completion.

Accredited lead training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

1. A unique certificate number.
2. The name, a unique identification number, and address of the individual.
3. The name of the particular course that the individual completed.
4. Dates of course completion/test passage.
5. Expiration date. Training certificates shall expire three years from the date of course completion. If the accredited lead training program offers a proficiency test, the training certificates shall expire five years from the date of course completion.
6. Name, address, and telephone number of the training provider.
7. Name and signature of the training manager and principal instructor.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-410. Quality control plan.

The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the accredited lead training program over time. This plan shall contain at least the following elements:

1. Procedures for periodic revision of training materials and course test to reflect innovations in the field.
2. Procedures for the training manager's annual review of principal instructor competency.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-420. Recordkeeping and provision of records to the board.

A. Each accredited lead training program shall maintain and make available upon request from the board the following records:

1. All documents specified in 18VAC15-30-360 that demonstrate the qualifications listed in 18VAC15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18VAC15-30-410.
6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.
7. Any other material not listed in this chapter that was submitted to the board as part of the application for accreditation.

The accredited lead training provider shall retain these records at the location specified on the training program application for a minimum of three years and six months.

B. The training manager shall notify the board at least 48 hours prior to the start date of any accredited lead training program.

C. The training manager shall provide an updated notification when an accredited lead training program will begin on a date other than the start date specified in the original notification as follows:

1. For accredited lead training programs beginning prior to the start date provided to the board, an updated notification must be received by the board at least 48 hours before the new start date.

2. For accredited lead training programs beginning after the start date provided to the board, an updated notification must be received by the board at least 48 hours before the start date provided to the board.

D. The training manager shall update the board of any change in location of an accredited lead training program at least seven business days prior to the start date provided to the board.

E. The training manager shall update the board regarding any accredited lead training program cancellations or any other change to the original notification at least two business days prior to the start date provided to the board. This requirement shall not apply to situations or circumstances beyond the control of the training provider.

F. Each notification, including updates, shall include the following:

1. Notification type (original, update, cancellation).
2. Training program name, Virginia accreditation number, address, and telephone number.
3. Course discipline, type (initial/refresher), and the language in which the instruction will be given.
4. Dates and times of training.

5. Training locations, telephone number, and address.

6. Principal instructor's name.

7. Training manager's name and signature.

G. The training program participant list shall be completed by the training provider and training program participants daily.

H. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

I. The training manager shall provide to the board the accredited lead training program participant list no later than 10 business days following the training program completion. For the purposes of this section, a business day shall mean Monday through Friday with the exception of federal holidays.

J. The training program participant list shall include the following:

1. Training program name, Virginia accreditation number, address, and telephone number.

2. Course discipline and type (initial/refreshers).

3. Dates of training.

4. Each participant's name, address, social security number, course completion certificate number, and course test score.

5. Training manager's name and signature.

K. Notifications and training program participant lists shall be submitted electronically in the manner established by the board specifically to receive this documentation using a sample form designed by and available from the board. Any variation upon this procedure shall be approved by the board prior to submission.

L. The training provider shall retain all examinations completed by training program participants for a period of three years.

M. The department shall not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-430. Change of address.

The accredited lead training provider shall notify the board 30 days prior to relocating its business or transferring the records.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VII
Training Course Curricula Requirements

18VAC15-30-440. General.

Training programs shall ensure that their courses of study for various lead-based paint activities disciplines cover the mandatory subject areas. Requirements listed in this part ending in an asterisk (*) indicate areas that require hands-on training as an integral component of the course. All training courses shall be discipline specific.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-450. Initial training criteria for lead abatement worker.

The lead abatement workers course shall last a minimum of 16 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement worker.
2. Background information and health effects of lead.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities.
4. Lead-based paint hazard recognition and control methods.*
5. Lead-based paint abatement and lead hazard reduction methods, including restricted work practices.*
6. Interior dust abatement methods/clean-up or lead hazard reduction.*
7. Soil and exterior dust abatement methods or lead hazard reduction.*
8. Course review.
9. Examination.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-460. Initial training criteria for lead abatement supervisor.

The lead abatement supervisor course shall last a minimum of 32 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement supervisor.
2. Background information on lead and the adverse health effects.
3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.
4. Liability and insurance issues relating to lead-based paint abatement.
5. Risk assessment and inspection report interpretation.*
6. Development and implementation of an occupant protection plan and abatement report.
7. Lead-based paint hazard recognition and control methods.*
8. Lead-based paint abatement or lead hazard reduction methods, including restricted work practices.*
9. Interior dust abatement/clean-up or lead hazard reduction.*
10. Soil and exterior dust abatement or lead hazard reduction.*
11. Clearance standards and testing.
12. Clean-up and waste disposal.
13. Recordkeeping.

14. Course review.

15. Examination.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-470. Initial training criteria for lead inspector.

The lead inspector course shall last a minimum of 24 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead.

2. Health effects of lead.

3. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint, including distribution and thorough review of this chapter.

4. Roles and responsibilities of the lead-based paint inspector.

5. Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.*

6. Paint, dust, and soil sampling methodologies.*

7. Preparation of the final inspection report.*

8. Clearance standards and testing, including random sampling.*

9. Recordkeeping.

10. Course review.

11. Examination.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-480. Initial training criteria for lead risk assessors.

The lead risk assessor course shall last a minimum of 16 hours and shall address the following topics with a minimum of four hours devoted to hands-on training, which includes site visits:

1. Role and responsibilities of a risk assessor.
2. Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint, including distribution and thorough review of this chapter.
3. Collection of background information to perform risk assessment.
4. Visual inspection for the purpose of identifying potential sources of lead-based hazards.*
5. Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food.
6. Lead hazard screen protocol.
7. Sampling for other sources of lead exposure.*
8. Interpretation of lead-based paint and other sampling results.
9. Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
10. Preparation of a final risk assessment report.
11. Course review.
12. Examination.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-490. Initial training criteria for lead project designer.

The lead project designer course shall last a minimum of eight hours and shall address the following topics:

1. Role and responsibilities of a project designer.
2. Development and implementation of an occupant protection plan for large scale abatement projects.
3. Lead-based paint abatement and lead-based paint hazard reduction methods for large scale abatement projects.
4. Interior dust abatement/clean-up or lead hazard control and reduction methods for large scale abatement projects.
5. Clearance standards and testing for large scale abatement projects.
6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.
7. Course review.
8. Examination.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-500. Refresher training criteria.

The refresher course for all disciplines shall address the following topics:

1. An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

2. Current federal, state, and local laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.

3. Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part VIII
Standards for Conducting Lead-Based Paint Activities

18VAC15-30-510. General requirements.

A. This part establishes work practice standards for conducting lead-based paint activities in target housing and child-occupied facilities.

B. Notification shall be sent by the licensed lead abatement contractor to the Virginia Department of Labor and Industry prior to the commencement of any lead-based paint abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

C. No licensed lead abatement contractor shall enter into a contract to perform a lead abatement project if the lead inspection or project design is to be performed by individuals with an employer/employee relationship with, or financial interest in, the lead abatement contractor unless the contractor provides the building owner with a "Virginia Lead Consumer Information and Disclosure Sheet," which is available from the board. Persons licensed to perform post-abatement clearance procedures shall be independent of and have no financial interest in or an employer/employee relationship with the licensed lead abatement contractor.

D. The relationships described in subsection C of this section must be disclosed and the disclosure form must be signed and dated by the building owner, or his agent, and the contracting entity prior to the signing of any contract to conduct lead-based paint activities. The contractor must provide the disclosure form to all parties involved in the lead abatement project. The disclosure form shall be kept on the lead abatement project site and available for review.

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement, a licensed individual must perform that activity in compliance with documented methodologies. Documented methodologies that are appropriate for this chapter include the following:

1. U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection.

2. 40 CFR Part 745, Subpart D.

3. EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil (60 FR 47248-47257).

4. EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report (EPA 747-R-95-001, March 1995).

5. Any future EPA or HUD guidance that may replace the above methodologies.

6. Regulations, guidance, methods or protocols authorized by the board.

F. Individuals conducting lead-based paint activities shall comply with the work practice standards enumerated in this chapter.

G. Any lead-based paint activities, as described in this chapter, shall be performed only by individuals licensed by the board to perform such activities.

H. All reports and plans required by 18VAC15-30-520 through 18VAC15-30-651 shall be maintained by the licensed firm or individual who prepared the report for at least three years. The licensed firm or individual also shall provide copies of these reports to the building owner or person who contracted for its services.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-511. Determination of the presence of lead-based paint, a paint-lead hazard, a dust-lead hazard, and a soil-lead hazard.

A. Lead-based paint is present:

1. On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and

2. On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

B. A paint-lead hazard is present:

1. On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified by EPA, pursuant to 15 USC §2683;

2. On any chewable lead-based paint surface on which there is evidence of teeth marks;

3. Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and

4. If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

1. In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than identified by EPA, pursuant to 15 USC §2683 for floors and interior window sills;

2. On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

3. On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

D. A soil-lead hazard is present:

1. In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than identified by EPA pursuant to 15 USC §2683; or

2. In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., nonplay areas) for each residential building on a property is equal to or greater than identified by EPA pursuant to 15 USC §2683.

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-520. Inspections.

A. Inspections shall be conducted only by persons licensed by the board as an inspector or risk assessor.

B. When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

1. In a residential dwelling or child-occupied facility, each testing combination with a distinct painting history and each exterior testing combination with a distinct painting history shall be tested for lead-based paint, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.

2. In a multi-family dwelling or child-occupied facility, each testing combination with a distinct painting history in every common area, except those testing combinations that the inspector or risk assessor determines to have been replaced after 1978, or do not contain lead-based paint.

C. Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures; and/or

2. Collected paint chips shall be sent to a laboratory recognized by EPA as being capable of performing the analysis.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-530. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-540. Written inspection report.

The licensed inspector or risk assessor shall prepare an inspection report that shall include the following information:

1. Date of each inspection.
2. Address of buildings.
3. Date of construction.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
6. Name, signature, and license number of each licensed inspector or risk assessor conducting testing.
7. Name, address, and telephone number of the firm employing each inspector or risk assessor.
8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data, and, if used, the serial number of any X-Ray Fluorescence Spectroscopy (XRF) device.
9. Specific locations of each painted testing combination tested for the presence of lead-based paint.
10. The results of the inspection expressed in terms appropriate to the sampling methods used.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Errata 19:26 VA.R. 2926 September 8, 2003.

18VAC15-30-541. Lead hazard screen.

A. A lead hazard screen shall only be conducted by individuals licensed by the board as a risk assessor.

B. If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

a. Determine if any deteriorated paint is present; and

b. Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined to be in poor condition by using documented methodologies and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age six and under, are likely to come in contact with dust.

5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in 18VAC15-30-550 B 4, the risk assessor shall also collect composite dust samples from common areas where children, age six and under, are most likely to come into contact with dust.

C. Dust samples shall be collected in the following manner:

1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

2. All dust samples shall be sent to a laboratory recognized by EPA as being capable of performing the analysis to determine if they contain detectable levels of lead that can be quantified numerically.

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-542. Written lead hazard screen report.

After a lead hazard screen has been conducted, a written hazard screen report shall be prepared by the risk assessor. A lead hazard screen report shall contain the following minimum information:

1. The information identified in a risk assessment report as specified in 18VAC15-30-610, including 18VAC15-30-610 1 through 18VAC15-30-610 14. Additionally, any background information collected pursuant to 18VAC15-30-541 B 1 of this chapter shall be included in the report.
2. Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-550. Risk assessment.

A. A risk assessment shall only be conducted by individuals licensed by the board as risk assessors.

B. If conducted, a risk assessment shall be conducted as follows:

1. A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of deterioration, and other potential lead-based paint hazards.
2. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.

3. The following surfaces that are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:

a. Each friction surface or impact surface with visibly deteriorated paint; and

b. All other surfaces with visibly deteriorated paint.

4. In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in living areas where one or more children, age six and under, are most likely to come into contact with dust.

5. For multi-family dwellings and child-occupied facilities, the samples required in 18VAC15-30-550 B (3) shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

a. Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

b. Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come into contact with dust.

6. For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where one or more children, age six and under, are likely to come into contact with dust.

7. Soil samples shall be collected and analyzed for lead concentrations in the following locations:

a. Exterior play areas where bare soil is present;

b. The rest of the yard (i.e., nonplay areas) where bare soil is present; and

c. Dripline/foundation areas where bare soil is present.

8. Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-560 to 18VAC15-30-600. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-610. Written risk assessment report.

After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.
2. Address of each building.
3. Date of construction of each building.
4. Apartment numbers (if applicable).
5. Name, address, and telephone number of each owner of each building.
6. Name, signature, and license number of the licensed risk assessor conducting the assessment.

7. Name, address, and telephone number of the firm employing each risk assessor.

8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.

9. Results of the visual inspection.

10. Testing method and sampling procedures for paint analysis employed.

11. Specific locations of each painted testing combination tested for the presence of lead-based paint.

12. All data collected from on-site testing, including quality control and, if used, the serial number of any XRF device.

13. All results of laboratory analysis on collected paint, soil, and dust samples.

14. Any other sampling results.

15. Any background information collected pursuant to 18VAC15-30-550 B 2.

16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint related hazards.

17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazard.

18. A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-620. Abatement.

A. Abatement shall be conducted only by individuals licensed by the board as supervisors or workers and employed by a licensed lead abatement contractor.

B. A licensed lead abatement supervisor is required for each abatement project and shall be on-site during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the licensed supervisor shall be on-site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours.

C. The licensed lead abatement supervisor and the licensed lead abatement contractor employing the supervisor shall ensure that all abatement activities are conducted according to the requirements of this chapter and all other federal, state and local regulations.

D. A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

1. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazard.

2. A licensed lead abatement supervisor or lead project designer shall prepare the occupant protection plan.

E. The following work practices shall be restricted during an abatement:

1. Open-flame burning or torching of lead-based paint is prohibited.

2. Machine sanding or grinding or abrasive blasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots

totaling no more than two square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces.

4. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

F. If the soil is removed:

1. The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm.

2. The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.

3. If soil is not removed, the soil shall be permanently covered as defined in 18VAC15-30-20.

G. An abatement report shall be prepared by a licensed lead abatement supervisor or lead project designer. The abatement report shall include the following information:

1. Start and completion dates of abatement.

2. The name and address of each licensed lead abatement contractor conducting the abatements, and the name of each licensed lead abatement supervisor assigned to the abatement project.

3. The occupant protection plan prepared pursuant to subsection D of this section.

4. The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.

5. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.

6. A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, and reason for selecting particular abatement methods for each component and any suggested monitoring of encapsulants or enclosures.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-630 to 18VAC15-30-640. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures shall be performed by a licensed inspector or licensed risk assessor:

1. Following an abatement, a visual inspection shall be performed by the licensed inspector or licensed risk assessor to determine if there are any deteriorated painted surfaces or visible amounts of dust, debris, or residue still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

2. Following a successful visual inspection for clearance, but no sooner than one hour after completion of final post abatement clean-up, clearance sampling shall be conducted.

3. Clearance sampling may be conducted by employing single-surface or composite sampling techniques, and shall be taken using documented methodologies that incorporate adequate quality control procedures.

4. The following post-abatement clearance activities shall be conducted, as appropriate, based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility.

a. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the

containment area, then all rooms, hallways or stairwells shall be sampled.

b. After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are less than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

c. Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.

5. The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.

6. The licensed inspector or licensed risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with the clearance levels, as established in 40 CFR Part 745 Subpart D, for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

7. In multi-family dwellings with similarly constructed and maintained residential dwellings, random sampling for the purpose of clearance may be conducted provided:

a. The licensed individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.

b. A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that no more than 5.0% or 50 dwellings (whichever is less) in the randomly sampled population exceed the appropriate clearance levels.

c. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in this chapter.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-651. Composite dust sampling.

Composite dust sampling may be used in situations specified in 18VAC15-30-520 through 18VAC15-30-610. If such sampling is conducted, the following conditions shall apply:

1. Composite dust samples shall consist of at least two aliquots;
2. Every component that is being tested shall be included in the sampling;
and
3. Composite dust samples shall not consist of aliquots taken from more than one type of component.

Historical Notes:

Derived from Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-660 to 18VAC15-30-750. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

Part IX
General Standards of Practice and Conduct

18VAC15-30-760. Responsibility to the public.

The primary obligation of the licensee is to the public. If the licensee's judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the licensee shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The licensee shall take such action only when his authority to correct a problem has been ignored or overruled.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-770. Public statements.

A. The licensee shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

B. When serving as an expert or technical witness, the licensee shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding, when the parties are represented by counsel, the licensee shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the licensee is speaking, and by revealing any self-interest.

C. Licensees or applicants shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-780. Solicitation of work.

In the course of soliciting work:

1. The licensee shall not bribe.
2. The licensee shall not falsify or permit misrepresentation of the licensee's work or an associate's academic or professional qualifications, nor shall the licensee misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associate joint ventures, or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-790. Professional responsibility.

A. The licensee or accredited lead training provider shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or accredited lead training provider.

B. A licensee shall not use the design, plans, or work of another licensee with the same type of license without the original's knowledge and consent, and after consent, a thorough review to the extent that full responsibility shall be assumed by the user.

C. Accredited lead training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-800. Good standing in other jurisdictions.

A. Licensees, accredited lead training providers, training managers, or principal instructors who perform lead project designs, lead inspections, lead risk assessments, lead-based paint abatement training, lead contracting or lead abatement supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification, or approval suspended, revoked, or surrendered in connection with a disciplinary action.

B. Licensees, accredited lead training providers, training managers, or principal instructors shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or approval to conduct lead-based paint activities.

C. Licensees, accredited lead training providers, training managers, or principal instructors may be subject to disciplinary action or removal of a lead training program accreditation for disciplinary actions taken by another jurisdiction.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

18VAC15-30-810. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to fine any licensee or accredited lead training provider, training manager or principal instructor, and to deny renewal, to suspend, to revoke or to deny application for any license or approval as an accredited lead training program, accredited lead training provider, training manager or principal instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for:

1. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.

2. Obtaining a license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor through fraudulent means.

3. Altering, falsifying or issuing a fraudulent Virginia lead license or a training certificate issued by an accredited lead training provider.

4. Violating any provision of any federal or state regulation pertinent to lead-based paint activities.

5. Having been found guilty by the board, another regulatory authority, or by a court, of any misrepresentation in the course of performing his operating duties.

6. Subject to the provisions of §54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a lead license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead abatement supervisor or lead abatement worker may be cause for disciplinary

action against the lead abatement contractor for whom he works if it appears to the satisfaction of the board that the lead abatement contractor knew or should have known of the unlawful act or violation.

12. Failing to notify the board in writing within 30 days after any change in address or name.

13. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.

B. Any individual or firm whose license, approval as an accredited lead training program, approval as an accredited lead training provider or approval as a training manager or principal instructor is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with §§2.2-4019 and 2.2-4021 of the Administrative Process Act.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-820. Suspension or revocation of approval of an accredited lead training provider.

A. The board may suspend, revoke, or modify an accredited lead training program's approval if an accredited lead training provider, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.

2. Failed to submit required information or notification in a timely manner.

3. Failed to submit training program notifications as required and in the manner described in 18VAC15-30-420.

4. Failed to submit training program participant lists as required and in the manner described in 18VAC15-30-420.

5. Failed to maintain required records.

6. Falsified accreditation records, qualifications of the training manager and principal instructors, or other accreditation information.

7. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.

8. Acted as an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the accredited lead training provider's business.

B. The board shall conduct disciplinary procedures in accordance with §§2.2-4019 and 2.2-4021 of the Administrative Process Act.

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Virginia Register Volume 19, Issue 24, eff. October 1, 2003; Volume 20, Issue 24, eff. September 8, 2004; Volume 23, Issue 3, eff. December 1, 2006.

18VAC15-30-830 to 18VAC15-30-840. [Repealed]

Historical Notes:

Derived from Virginia Register Volume 13, Issue 2, eff. November 13, 1996; amended, Volume 13, Issue 10, eff. April 1, 1997; Volume 16, Issue 11, eff. May 1, 2000; repealed, Virginia Register Volume 19, Issue 24, eff. October 1, 2003.

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NOTICE

Included in this booklet are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly is responsible for creating and amending the Code, not the Department of Professional and Occupational Regulation. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2007 session. Any changes made during the 2007 session became effective July 1, 2007, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

CODE OF VIRGINIA TITLE 54.1

CHAPTER 5 ASBESTOS, LEAD, AND HOME INSPECTION CONTRACTORS AND WORKERS

Section

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§ 54.1-500. Definitions

As used in this chapter, unless the context requires a different meaning:

“Accredited asbestos training program” means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

“Accredited lead training program” means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

“Asbestos” means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

“Asbestos analytical laboratory license” means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

“Asbestos contractor’s license” means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

“Asbestos-containing materials” or “ACM” means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

“Asbestos inspector’s license” means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

“Asbestos management plan” means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.

"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.

"Friable" means that the material when dry, may be crumbled, pulverized or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

“Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

“Lead-based paint activity” means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

“Lead-contaminated dust” means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA.

“Lead-contaminated soil” means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

“Lead contractor” means a person who has met the Board’s requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

“Lead inspection” means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

“Lead inspector” means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

“Lead project design” means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

“Lead project designer” mean an individual who has been licensed by the Board to prepare lead project designs.

“Lead risk assessment” means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

“Lead risk assessor” means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

“Lead supervisor” means an individual who has been licensed by the Board to supervise lead abatements.

“Lead worker” or “lead abatement worker” means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training course or an accredited lead training course or both.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training or an accredited lead training program or both.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ten members as follows: one shall be a representative of a Virginia licensed asbestos contractor, one shall be a representative of a Virginia licensed lead contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia licensed lead risk assessor, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos and lead training course provider, two shall be certified home inspectors and two shall be citizen members. Of the 1994 appointments, the terms shall be as follows: one member shall serve a term of two years, and one member shall serve a term of four years. Of the 2001 home inspector appointments, the terms shall be as follows: one home inspector shall serve a three-year term, and one home inspector shall serve a four-year term. Thereafter, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The initially appointed representatives of the lead industry shall be deemed to be certified upon having completed lead training offered at an Environmental Protection Agency Regional Training Center. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. Each home inspector appointment to the Board may be made from nominations submitted by the National Association of Home Inspectors and the American Society of Home Inspectors, who may each nominate no more than three persons for each home inspector vacancy. In no case shall the Governor be bound to make any appointment from such nominees. Home inspector members shall not vote on any matters before the Board except matters related to home inspectors until July 1, 2003.

The Board shall meet at least four times each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice chairman to serve for a period of one year. Five members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos and lead licenses, and governing conflicts of interest between various categories of asbestos and lead licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, training managers and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, examinations and the grading system for testing applicants for asbestos and lead licensure;
4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors; and
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations.
7. Promulgate regulations for certification of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the

proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties.

§ 54.1-501.1. Applicability

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

§ 54.1-502. Interdepartmental implementation plan

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

§ 54.1-503. Licenses required

- A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.
- B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.
- C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any

person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

§ 54.1-504. Asbestos supervisor's or worker's license required; exception

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

§ 54.1-505. Qualification for an asbestos contractor's license

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

§ 54.1-512. Exemptions from licensure

- A. In an emergency that results from a sudden unexpected event that is not a planned renovation or demolition, the Board may waive the requirement for asbestos contractor's, supervisor's and worker's licenses.
- B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.
- C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.
- D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project if all of the asbestos or lead abatement work is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

- E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

§ 54.1-514. Award of contracts by state agencies and political subdivisions

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

§ 54.1-515. Employer discrimination; penalty

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § 54.1-517.

§ 54.1-516. Disciplinary actions

- A. The Board may reprimand, or suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor or asbestos worker or (ii) the approval of an accredited asbestos training program, accredited lead training program, training manager or principal instructor, if the licensee or approved person or program:
1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
 2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
 3. Fails to meet any applicable federal or state standard when performing an asbestos project or service or performing lead-based paint activities.
- B. The Board may reprimand, or suspend or revoke the license of, (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project or (ii) any lead contractor who employs or permits an

individual without a lead supervisor's or lead worker's license to work on a lead abatement project.

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations or violations of this section shall be made in accordance with § 54.1-307.1.

§ 54.1-517. Penalties for willful violations

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, and accredited asbestos training programs, accredited lead training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

§ 54.1-517.1. Applicability.

The certification program established under this article shall be voluntary and shall not be construed to restrict or otherwise affect the right of any person to conduct an inspection of a residential building for any purpose; however, no person may (i) refer to the inspection conducted as a "certified home inspections" or (ii) hold himself out as, or use the title of "certified home inspector," unless he has been certified in accordance with this article. Any

person offering to provide or conduct a "certified home inspection" within the meaning of this chapter or through verbal claim, sign, advertisement, or letterhead representing himself as a "certified home inspector" shall be subject to the provisions of § 54.1-111 of this article.

§ 54.1-517.2. Requirements for certification.

The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.

1. 2. 3.